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10/596,323	06/09/2006	Philippe Gentric	FR030152	5344

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EXAMINER

TORRES, MARCOS L

ART UNIT	PAPER NUMBER
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2617

NOTIFICATION DATE	DELIVERY MODE
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07/22/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ip.department.us@nxp.com

Office Action Summary	Application No. 10/596,323	Applicant(s) GENTRIC, PHILIPPE	
	Examiner MARCOS L. TORRES	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 April 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 6-9-08 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. The objection to the specification has been withdrawn in view of the applicant's amendment.
2. Applicant's arguments filed 4-1-09 have been fully considered but they are not persuasive. The primary reference, Black still shows the new limitations. Please, see below for more information in their respective claims.

Drawings

3. The inclusion of a legend showing the items name next to the reference numbers in the drawings will facilitate the comprehension of the drawings. For example, if the application is allowed in the future, it would greatly help if the front page drawing can be easily identified without having to search each reference number in the specification. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date

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of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claims 1-5 and 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Black US 20070127374A1.

As to claim 1, Black discloses a communication system comprising a plurality of user apparatuses [202,204,206, 208], a communication network and at least one application server [218] for implementing an application between a group of at least two user apparatuses, said application allowing transmission of at least a first type of

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content [audio] from one user apparatus of said group to the other user apparatus or apparatuses of said group and a second type of content [video] from one user apparatus of said group to the other user apparatus or apparatuses of said group, said user apparatuses and said application server comprising user floor control means and server floor control means, respectively, for separately managing floor access by said user apparatuses for the transmission of said first type of content and said second type of content, such that only one user apparatus can have the floor at a given time for transmitting said first type of content, and only one user apparatus can have the floor at the same time for transmitting said second type of content (see fig. 5; par. 0026, 0028-0031, 0068-0069), wherein floor access is separately managed (by media, see par. 0027 or by group see par. 0023-0024) within a single Session Initiation Protocol (SIP) (see par. 0042, 0045, 0048, 0088). Although Black discloses the Internet Engineering Task Force (IETF) in paragraph 0128, the section it is aimed to RFC instead of SIP. However, that the version adopted by the 3GPP is the Internet Engineering Task Force version. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to use widely know version for the simple purpose of compatibility with the existing 3GPP standard.

As to claim 2, Black discloses a communication system wherein said user floor control means comprise means for transmitting/receiving floor control messages to/from said application server, and said server floor control means comprise means for transmitting/receiving floor control messages to/from said user apparatuses so as to implement a request/grant protocol (see fig. 5; par. 0026, 0028-0031, 0068-0069).

As to claim 3, Black discloses a communication system wherein said first type of content is voice content and said second type of content is picture content (see fig. 5; par. 0026, 0028-0031, 0068-0069).

As to claim 4, Black discloses a user apparatus for use in a communication system comprising a plurality of user apparatuses, a communication network and at least one application server for implementing an application between a group of at least two user apparatuses, said application allowing transmission of at least a first type of content from one user apparatus of said group to the other user apparatus or apparatuses of said group and a second type of content from one user apparatus of said group to the other user apparatus or apparatuses of said group, said user apparatus comprising user floor control means intended to cooperate with said application server for separately managing floor access by said user apparatuses for the transmission of said first type of content and said second type of content, such that only one user apparatus can have the floor at a given time for transmitting said first type of content, and only one user apparatus can have the floor at the same time for transmitting said second type of content (see fig. 5; par. 0026, 0028-0031, 0068-0069), wherein floor access is separately managed (by media, see par. 0027 or by group see par. 0023-0024) within a single Session Initiation Protocol (SIP) (see par. 0042, 0045, 0048, 0088). Although Black discloses the Internet Engineering Task Force (IETF) in paragraph 0128, the section it is aimed to RFC instead of SIP. However, that the version adopted by the 3GPP is the Internet Engineering Task Force version. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the

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invention to use widely know version for the simple purpose of compatibility with the existing 3GPP standard.

As to claim 5, Black discloses a user apparatus wherein said user floor control means comprise means for transmitting/receiving floor control messages to/from said application server so as to implement a request/grant protocol (see fig. 5; par. 0026, 0028-0031, 0068-0069).

As to claim 7, Black discloses an application server for use in a communication system comprising a plurality of user apparatuses, a communication network and at least one application server for implementing an application between a group of at least two user apparatuses, said application allowing transmission of at least a first type of content from one user apparatus of said group to the other user apparatus or apparatuses of said group and a second type of content from one user apparatus of said group to the other user apparatus or apparatuses of said group, said application server comprising server floor control means intended to cooperate with said user apparatuses for separately managing floor access by said user apparatuses for the transmission of said first type of content and said second type of content, such that only one user apparatus can have the floor at a given time for transmitting said first type of content, and only one user apparatus can have the floor at the same time for transmitting said second type of content (see fig. 5; par. 0026, 0028-0031, 0068-0069) , wherein floor access is separately managed (by media, see par. 0027 or by group see par. 0023-0024) within a single Session Initiation Protocol (SIP) (see par. 0042, 0045, 0048, 0088). Although Black discloses the Internet Engineering Task Force (IETF) in

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paragraph 0128, the section it is aimed to RFC instead of SIP. However, that the version adopted by the 3GPP is the Internet Engineering Task Force version. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to use widely know version for the simple purpose of compatibility with the existing 3GPP standard.

As to claim 8, Black discloses an application server wherein said server floor control means comprise means for transmitting/receiving floor control messages to/from said user apparatuses so as to implement a request/grant protocol (see fig. 5; par. 0026, 0028-0031,0068-0069).

As to claim 9, Black discloses an application server wherein said first type of content is voice content and said second type of content is picture content (see fig. 5; par. 0026, 0028-0031,0068-0069).

As to claim 10, Black discloses an method of allowing transmission of a first type of content from one user apparatus of a group to the other user apparatus or apparatuses of said group and a second type of content from one user apparatus of said group to the other user apparatus or apparatuses of said group, said method comprising a first implementation of a floor control procedure for managing floor access by said user apparatuses for the transmission of said first type of content and a second implementation of said floor control procedure for managing floor access by said user apparatuses for the transmission of said second type of content, such that only one user apparatus can have the floor at a given time for transmitting said first type of content, and only one user apparatus can have the floor at the same time for transmitting said

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second type of content.(see fig. 5; par. 0026, 0028-0031,0068-0069), wherein the implementations of a floor access is separately managed (by media, see par. 0027 or by group see par. 0023-0024) within a single Session Initiation Protocol (SIP) (see par. 0042, 0045, 0048, 0088). Although Black discloses the Internet Engineering Task Force (IETF) in paragraph 0128, the section it is aimed to RFC instead of SIP. However, that the version adopted by the 3GPP is the Internet Engineering Task Force version. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to use widely know version for the simple purpose of compatibility with the existing 3GPP standard.

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Black in view Balasuriya US 20050124365A1.

As to claim 6, Black discloses a mobile telephone comprising a camera for capturing moving pictures (see par. 0051), and multiple keys for requesting the floor (see par. 0050). Black does not disclose dedicated keys for voice and video. In an analogous art, Balasuriya discloses using keys for voice and video (see par. 0015). Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to using keys for voice and video to assist the user to easily identify which media wants to send.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARCOS L. TORRES whose telephone number is (571)272-7926. The examiner can normally be reached on 9:30 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-252-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/George Eng/
Supervisory Patent Examiner, Art Unit 2617

/Marcos L Torres/
Examiner, Art Unit 2617